

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2377**

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**Introduced by Assembly Member Huber**

February 24, 2012

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An act to amend Section 917.1 of the Code of Civil Procedure, relating to ~~workers' compensation~~ enforcement of judgments.

LEGISLATIVE COUNSEL'S DIGEST

AB 2377, as amended, Huber. ~~Workers' compensation. Enforcement of judgments: appeals.~~

Existing law specifies the circumstances in which an undertaking is required in order for the enforcement of a judgment or order to be stayed on appeal, including if the judgment or order is for money or the payment of money, or for costs awarded pursuant to specified provisions. Existing law requires that the undertaking in these cases be for double the amount of the judgment or order unless given by an admitted surety insurer, in which event the judgment would be 1½ times the amount of the judgment or order.

This bill would provide that the undertaking be set at the amounts described above unless the court, after notice and hearing, and for good cause shown, determines that a different amount is appropriate. The bill would also make technical, nonsubstantive changes to these provisions.

~~Existing law establishes a system of payment of workers' compensation, administered by the Administrative Director of Workers' Compensation, to compensate for injuries incurred by employees that arise out of, or in the course of, employment.~~

~~This bill would declare the intent of the Legislature to enact legislation reforming the workers' compensation system.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 917.1 of the Code of Civil Procedure is*  
2     *amended to read:*

3     917.1. (a) Unless an undertaking is given, the perfecting of an  
4     appeal shall not stay enforcement of the judgment or order in the  
5     trial court if the judgment or order is for any of the following:

6         (1) Money or the payment of money, whether consisting of a  
7         special fund or not, and whether payable by the appellant or another  
8         party to the action.

9         (2) Costs awarded pursuant to Section 998~~which that~~ otherwise  
10        would not have been awarded as costs pursuant to Section 1033.5.

11        (3) Costs awarded pursuant to Section 1141.21~~which that~~  
12        otherwise would not have been awarded as costs pursuant to  
13        Section 1033.5.

14        (b) The undertaking shall be on condition that if the judgment  
15        or order or any part of it is affirmed or the appeal is withdrawn or  
16        dismissed, the party ordered to pay shall pay the amount of the  
17        judgment or order, or the part of it as to which the judgment or  
18        order is affirmed, as entered after the receipt of the remittitur,  
19        together with any interest~~which that~~ may have accrued pending  
20        the appeal and entry of the remittitur, and costs~~which that~~ may  
21        be awarded against the appellant on appeal. This section shall not  
22        apply in cases where the money to be paid is in the actual or  
23        constructive custody of the court;~~and such. Those~~ cases shall be  
24        governed, instead, by the provisions of Section 917.2.~~The~~

25        (c) *The amount of the undertaking shall be for double the amount*  
26        *of the judgment or order unless~~given one of the following~~ apply:*

27            (1) *If given by an admitted surety insurer~~in which event it, the~~*  
28            *undertaking shall be for one and one-half times the amount of the*  
29            *judgment or order.~~The liability~~*

30            (2) *If the court, after notice and hearing, and for good cause*  
31            *shown, determines a different amount for the undertaking is*  
32            *appropriate, then that amount shall apply.*

1     (d) *Liability* on the undertaking may be enforced if the party  
2 ordered to pay does not make the payment within 30 days after  
3 the filing of the remittitur from the reviewing court.

4     ~~(e)~~

5     (e) If a surety on the undertaking pays the judgment, either with  
6 or without action, after the judgment is affirmed, the surety is  
7 substituted to the rights of the creditor and is entitled to control,  
8 enforce, and satisfy the judgment, in all respects as if the surety  
9 had recovered the judgment.

10    ~~(f)~~

11    (f) Costs awarded by the trial court under Chapter 6  
12 (commencing with Section 1021) of Title 14 shall be included in  
13 the amount of the judgment or order for the purpose of applying  
14 paragraph (1) of subdivision (a) and subdivision (b). However, no  
15 undertaking shall be required pursuant to this section solely for  
16 costs awarded under Chapter 6 (commencing with Section 1021)  
17 of Title 14.

18    ~~SECTION 1. It is the intent of the Legislature to enact~~  
19 ~~legislation reforming the workers' compensation system.~~